



- "Education never ends" : Language acquisition post-academia- and the Dutch "permanent education" policies for official (certified) translators/interpreters

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Abstract

This year at the 5th FLED FD workshop at the University of Tsukuba the theme focused on "*Foreign languages as academic subject & communication tool*". Considering how official translators in the Netherlands use their specific language combinations as communication tools in their work, I spoke on the topic of the *permanent education* (continuing professional education, as Jarvis explained it; 1995, p. 28) required of these groups of translators. Traditionally, medical doctors were already required to keep track of new medical discoveries and technologies. Since 2009 (Raad voor Rechtsbijstand, Oktober, 2015) also official translators are obliged to undertake education for their registration renewal. In this research note, I will describe this new development in further detail as a case study. Included are also some language specific examples for Japanese. Although Dutch is my language combination with Japanese I will use English translation to facilitate general understanding.

Introduction:

- the sworn translator and interpreter

Before discussing the main topic of continuing professional education (CPE), it is necessary to clarify fundamental elements regarding the official translator (hereafter, sworn translator) and the types of texts they translate for private persons and government entities (police, prosecutors' and courts of law). In the Netherlands this category of professionals are named: *beëdigde vertalers* (sworn translators). In the Netherlands the legal status of the profession can be traced back to the *Law Sworn Translators* of 1878 which was effective until 2009, for almost 131 years (Wet beëdigde vertalers, 2004). The new law of 2009 (1 January) includes in the title the group interpreters (Wet beëdigde tolk/vertalers: Wbtv) as well. In order to be registered as a sworn translator and/or interpreter the submission of an official educational decree (university level) in L2, L3 (2d language, 3d language) is the first step in the application. If that is not available other language certificates are possible but only with a L2, L3 ability test (C1 level of CEFR) as required by the Wbtv-Office to determine the validity of the application. The test follows the Common European Framework

of Reference for Languages (CEFR) and is officially recognized by Dutch law for the purpose of registration of prospective translators and interpreters. With the academic certification also a Certificate of Good Conduct is required in the application. This is not a surprise since the translators handle official documents (city hall, schools, universities and other entities). The same procedure follows every five years with a resubmission of a Certificate of Good Conduct, reaching the CPE requirements (80 hours), and calculation of the total word count (500 thousand) of completed translations.

- the translation format requirements

In Japan the traditional paper size was not A4 like those in Europe. In 2001 (Research group on investigation reports, 2011) in Japan the paper format and other language matter of police documents were changed to A4 size as a standard size. B4 is not useful when documents are transferred through Interpol. Furthermore, when printers are brought to other sites not equipped with a B4 option (the traditional size) it hinders the investigative process. Office printers could have as the secondary size setting an A3 paper cartridge. To distinguish in the official translations, I restrict A4 size to the translation itself while B5 is for the translator's testimony. For the target receiver (city hall, other government entities) it shows directly the identity and function of all the pages of a single document. The first thing a city-hall official (target receiver) sees is the translator's testimony, i.e. the very point of the translator's visibility. It is subsequently followed by the translation and the original with the apostille-seal last. The *Apostille* testifies that the document is an official and genuine product issued by government entities (i.e. the authentication of the seals and signatures of officials on public documents).

Seals form an essential part in the translation of official documents. It shows the official status of the translator, his registration number, and until 2009 his language specialty.

The translator is a very visible participant in the chain of custody of an official document. Although not a term used in translation studies it states exactly through how many hands the documents actually goes. Originally, this is a term referring to a documented record of locations and names of the persons, police and other judicial representatives, handling the evidence.

- Text types in official translations

What text types do they translate?

Official translators are translating quite a range of official documents. Why can these documents not be translated by other professional translators? That is a highly valid question in my opinion. From a legal standpoint, which cannot be denied or overlooked, these documents are documentary evidence of a claim to prove a person's: citizenship, nationality, academic backgrounds, and social status, among others. These documents are then used for applying or for registering in the respective country of the target language. In my language combinations the countries are Japan and the Netherlands. Birth certificates for Dutch parents, for example, receive first a Japanese registration if that is where the child is born. The other administrative function of the birth certificate

translation is for immigration or visa purposes. Death certificates, a part of the human life experience or cycle, are crucial when inheritances are involved. All documents are required to be translated by a sworn translator who testifies under legal mandate the accuracy of his/her translation of the document contents. The sworn translator can actually state in his/her application either to cooperate or not to cooperate with police and judicial entities in a work relation, without any repercussions. However, for the learning experience it can definitely be beneficial not to exclude them when applying for registration as a sworn translator. P.O.W. administration cards (of Dutch P.O.W.s) of the Japanese army in the Second World War are officially registered in the Dutch Army Archives. Here we see that official translators are also involved with historical documents. The oldest family register I did during the last 10 years stems from the Meiji era and contained many entries written manually. In actuality, most documents are PC generated texts and simplify the reading while manually produced texts can be hard to translate when by accident the singular characters are abbreviated or individual markers (strokes of characters) are flowing into each other which are one of the features of interest in handwritten texts.

The most common documents sworn translators translate are given below for reference:

Birth certificates
Diplomas, official certifications
Marriage/divorce certificates
Family registers ("koseki" 戸籍)
Individual/private person certificates
Death certificates/forensic reports
Police reports (incl. criminal investigation) /testimonies/
Prisoners' letters/correspondence
P.O.W. administration

Permanent education: continuing professional education

In the Netherlands permanent education policies for official translators/interpreters were established in 2009 at the same time that the new law on registration and renewal came into effect. It is mandatory and prescribed by law as a national policy as Jarvis (1995) has discussed in his book. Compared to counterparts in other parts of the world (Jarvis, 1995; Kasworm, 2010), the Dutch system is different in the way points are calculated. In five years eighty hours of CPE units need to be amassed. Each hour (60 minutes) of CPE activity in the Netherlands counts as a full point. One weak-point in the system is that only one year before the renewal (or the recertification, recredentialing, relicensure in Kasworm's terms) process a final decision of the registered education until then is given (The newsletter: *Tolken en vertalers nieuwsbrief*, 2016, July 27). In actuality, it will not be possible to amass points lacking in such a short time of merely one remaining year. In the previously addressed publications of Jarvis, as well as Kasworm, calculation models for CPE are not given, however, when consulting for example CISA (Certified information system auditor) policy within the ISACA (Information Systems Audit and

Control Association) certification department the calculation model follows a 50 minute education time. In the calculation of CPE units break time and lunch time are to be deducted. In the documentation of the course description in Japan, for example, only the hours of full education time are given. All other time indicators for non-seminar related activities are considered irrelevant and extraneous activities. The education for sworn professionals has taken the form of attending seminars, conferences or publishing papers and articles. The translator and/or interpreter decides by himself or herself what is needed. For Japanese documents written manually, there is definitely a practical use of studying Japanese calligraphy in deciphering otherwise illegible writing. This should be emphasized in the registration of these educational activities for one's CPE units to differentiate it from the artistic value of Japanese calligraphy.

Calligraphy could be regarded as a form of further L3 (author: Japanese) language education and is therefore not the same as an academic language education program. For professional translators it is beneficial to go into domain-specific L2 (author: English) education, e.g., legal, medical, forensic scientific language registers. Literature has a special place in this setting so it is recommended that translators read these cultural sources in the original language. For example, Sherlock Holmes read in English, or the Sugishita Ukyo novels read in Japanese and neither of these in Dutch since, in the case of Sherlock Holmes, in an old-Dutch edition it tends to alter his basic personality into a conservative traditionalist while in the original he is more singularly independent from social rules and customs (Gutenberg edition, 2009). Some educational subjects could instead be more domain-specific in nature and emphasising attention towards law, medical report writing, or criminal investigation. With these subjects available in the translators' arsenal, translation work for special purposes becomes less apprehensive for the translator to encounter. In the next two sections I will discuss the differences between academic and the post-academic function of language acquisition.

Academic language acquisition

How is the academic acquisition organized for languages such as Japanese taught only on university level in the Netherlands and not generally in compulsory levels of education?

In a relatively short time of four years the basic tools for students needs to be introduced. This is then the starting point after graduation to develop further through different means and media. In the third and fourth year students of Japanese were expected to be able to read real academic texts within the curriculum program between the years 1989 and 1996.

The full academic level consisted of developing in four years the following requirements:

- Basic language skills in Japanese
- High frequency idioms
- Regular grammar patterns
- Generalized/universal language education

The initial stage (first year) of the study material were restricted towards reaching an elementary level of learning Japanese vocabulary and the three

writing systems (characters, the phonetic hiragana and katakana scripts). It was an overly high-paced study program in its basic format. It was of course not a realistic expectation to be completely fluent and, therefore, after graduation, fluency requires more practical education (e.g., long term stay).

Professional language acquisition

Language acquisition after university graduation is much more focused on actual language registers in use in society. For example, Japanese in a criminal/judicial setting is quite specialized as can be seen from the official police manuals. In a perfect situation new specialized language elements and idioms are reinforced through other means, such as books, newspapers, other media possibilities. The goal is to achieve a close to native ability of the L2 (author: English) or L3 (author: Japanese) level and the ability to identify and locate linguistic omissions and/or other oversights. The lingua franca for studying Japanese in its initial levels is English and needs to be on a more than average level to see and understand intricate matters. It can be a very small thing, in the words of Sherlock Holmes "trifles", which by its very nature are sometimes overlooked in importance. In one case, the police report until the very end was quite legible but lacked a subject reference ("I") in the summary section of it and resulted in the translator being temporarily unable to translate it unambiguously into Dutch. As a secondary difficulty, that particular section had not been clearly separated from the main text and needed a clear heading on its own. Reaching this point of the report was already a clear indicator that something had happened here and needed careful treatment. In actuality, this is a singular case in which a L3 user asked the L1 writer to correct his report in this particular section. Therefore, a language ability wherein a complex text can be understood fully and still being able to see if something is missing on an elementary level is needed. This language acquisition is conducted towards domain-specific contents and the language used therein. For individual consideration the following could be the essential factors in the continuing professional education for language acquisition:

- Advanced language skills in L2, L3 etc (recognizing mistakes, incompleteness)
- Low frequency idioms ("work field")
- Irregular grammar patterns (language fluency)
- Specialized/content based language education

Looking at official police manuals of different areas in the world (e.g., Japan, the Netherlands, the UK, and the USA) there are definite similarities in the respective legal language registers with only occasional difficulties. The Japanese system of older – younger brother, for example, will be difficult to determine in Dutch letters (of inmates) most of the times it is not stated. Official guidelines tell the translators to consider the term as *kyodai* (兄弟) as a possibility in receiving the special meaning of just "brother" irrespective of seniority. Word order mistakes in these letters occur with non-native writers of Dutch. It is, probably for the average reader, unlike family members, hard to understand. In that case, the best way to solve this issue is through indirect translation and identifying the most general letter content.

Controlling the language mistakes in police records, either in Japanese or Dutch,

might be necessary to avoid translation inaccuracies. In legal texts, even in Japanese, ambiguity should be avoided. Flowery words and other literary devices in Japanese police manuals are actually discouraged to be used and instead to use only comprehensible language (Kanagawa prefectural police publication, 2008; Tokyo Horei Shuppan 2011).

Case examples for the CPE in domain specific languages

Case #1: faded texts

The case examples below are all statistically low frequency occurrences but necessary for acquiring a native fluency level essential to adopt and utilize. One's own academic texts and translations are then read as a native text wherein the reader does not need to correct them (C2-level).

In one case, I had been asked to translate a “prisoner-of-war” card for the Dutch Army Archives and therein the text had been severely damaged by time and storage conditions. Part of the text was completely faded. In Japanese calligraphy one of the basic essentials is being able to recognize how Japanese characters are constructed including the order of writing. In the illustration below is the text section shown. The stamp-ink section has a shorter life-span than the actual section written by hand. The translation is a result based on the principle of probability with the contextual markers in the surrounding text parts. Also the historical context of the text itself can provide information to its content. If the text is more severely damaged then the owner/client becomes the source of information.

Illustration 1. The full text

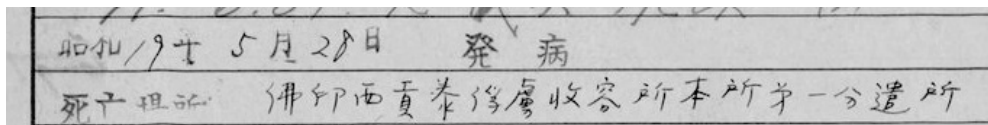
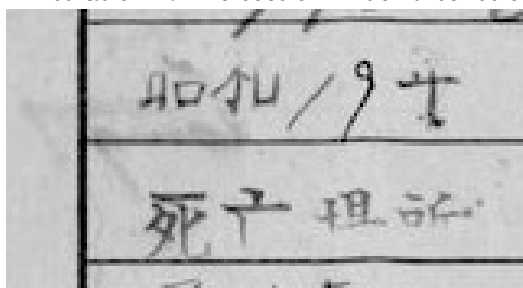


Illustration 2. The section under discussion



Text reconstruction of the faded areas and translation:

[昭和19年]: Showa 19 (the imperial era indicator)

[昭和19年] = (1944)

[死亡 場所]: place of death

Case #2: limitations on the usefulness of dictionaries

In case dictionaries are inconclusive as to a special use of the idiom at hand it is

best to avoid automatic translation which hinders the direct meaning of the text. In the first example the client (police) made the final decision of how the source text (ST) in Dutch should be translated into Japanese, the target text (TT). The difficulty was in the naming of a criminal offense in Japanese. How to translate from Dutch - *Criminal offense of willful destruction of private property* (Dutch: Rechtsovertreding opzettelijke vernieling van persoonlijke eigendommen) – into Japanese? The English-Japanese dictionary gave the option of kizai (毀棄罪) as a possibility. However, the client did not agree with this dictionary solution and wanted a literal translation in Japanese as *koi ni koinbutsu no hakaishi hanzai* (故意に個人物の破壊した犯罪). In that way, moving away from a purely linguistic consideration, the follow-up reader (police investigator) will not automatically read into it the Japanese Law stipulations for this offense (see table 1).

Table 1. Prison sentences and penalties in comparison

	The Netherlands (ST)	Japan (TT)
Prison sentence	a maximum of 2 years	less than 3 years
Penalty	€ 20.500	less than 300,000 Yen

Source: Dutch Criminal Law, Article 350, Article 23; Japanese Criminal Law (刑法), Article 261

The second example in the consideration of the proper use of dictionaries refers to reading law specific texts and reference material. While looking at the censorship rules in Japanese prisons I came across *The Revised Prison Regulations* from the Meiji-period (1898). From the standpoint of work-related usefulness it is not necessary to be well acquainted with its contents but from the standpoint of specialization it is definitely useful to be aware of its existence as a source of the historical development of prison regulations in Japan. In article 34, there is the following description:

"Letters sent by people on the outside should be checked"

(囚人及徴治人ノ發スル信書又ハ外人ヨリ送り來ル信書ハ典獄之ヲ檢閱スヘシ)
(see: appendix 1)

The problematic part is "Gaijin" (外人) which in modern Japanese has received a singular meaning of: foreigner. It has received a lot of negative connotations. However, in this particular instance the bi-lingual dictionaries (Japanese – English) will not bring it home. A monolingual dictionary (Japanese - Japanese) will be more beneficial for discovering other possibilities in the range of its definitions. In the Daijirin (2006, p. 411) there is the additional explanation of someone on the outside; in the Nihongo Daijiten (2006 electronic dictionary edition) it is explained in further details: "a person who is outside such groups as family members, relatives, friends, acquaintances, and fellow lodgers". The latter one is a good and helpful euphemism for prison inmates.

Case #3: false friends-synonyms in a single language

In police reports there is a specialized language at times visible. For example the difference between *yōgisha* (容疑者) and *higisha* (被疑者). How are they different in meaning or in use? They both mean actually the same thing: suspect. However, the second one is predominantly used in the police and legal register of the Japanese language while the first one is used in general and for universal purposes (media). Another example, in formal language, when the police officer is writing a report, the Dutch and Japanese way of writing are to a degree similar. The Dutch police officer will state his function/position when writing personal observations: I, [name], as documenting police officer saw The Japanese police officer will instead of using *watakushi* (私) most likely start his account with: *honshoku* (本職)..... .. This contain in a single word most of the English version of what the original Dutch states.

Case #4: General dictionaries v/s professional dictionaries

There are instances in which a general dictionary is up to the task but there are also instances where it completely misses the mark. When I generally hear or read the following phrase I will always consider it in a legal context. The phrase “to bring-to-book” (Brit.Eng) receives in general dictionary these explanations:

<<Officially punish someone or call them to account for their behaviour>>

Source: Oxford Dictionary of English (ODE), 2003 (electronic dictionary)

<<to bring to account, cause to show authority (for statements, etc); to examine the evidence for (a statement, etc.), investigate>>

Source: Oxford English Dictionary (OED), vol. I A – B (1970), p. 990

In one of the extensive professional dictionaries for Law, the entry “to bring-to-book” (Brit.Eng) has the following specific explanation quite different from the previous ones:

<< (1865) To arrest and try (an offender) / the fugitives were brought to book and convicted />>

Source: Black’s Law Dictionary (2009, 2014) p. 231

The difference between these two definitions lies in the due process of the law. The general definition jumps from arrest to punish while “bring to book” in legal sense is restricted to the first two stages in the legal process. The whole of a legal process should be considered as:

Arrest => Try => Punish.

In the previous case examples I introduced some of the the CPE language acquisition possibilities which cannot be standardized since the work areas of sworn translators/interpreters are not uniform in nature. The post academia study material is for the most part not designed for language acquisition purposes but more for legal knowledge acquisition. Therefore, the language acquisition is secondary to the content knowledge acquisition which is primary.

Results

With some of the case examples I would like to highlight that the CPE program cannot be standardized in the Dutch situation because Wbtv-translators/

interpreters have their own work-related needs. Furthermore, CPE in the Netherlands is a highly customized education program for professionals. Individual and elective programs are key points for Dutch CPE training. Therefore, similar to Kasworm's observation (2010, p. 279) re-examination is not an option for professionals since their work-load is time wise extensive and highly individual in nature which a standard examination format cannot cover.

Discussion

CPE for sworn translators/interpreters, in the Netherlands, is definitely necessary. It can produce the effect of professionalization and quality assurance of the field and improve the translation/interpretation product. In a practical sense, Judicial/Criminal Law is not static and tend to change over time (e.g., the "Miranda Rights/Caution" from 16 March 2016 in the Netherlands).

The danger of CPE is its effect on professional autonomy (Kasworm 2010, p. 277), or by national policy restrictions on innovations (Jarvis, 1995) needs to be acknowledged to ensure an honest application of a revised CPE system in the future.

The studies on the topic of post-academic education referred to in this research note do not address the calculation systems for determining the amount of credits or the way that publications can be recalculated into credits by word-count (e.g. 500 words counts for 1 credit in the Dutch system). In future academic research of post-academic education a discussion on the method of credit calculation and/or the value of course/seminar diplomas in the system should be added.

Conclusion

In this research note I attempted to introduce a field in its practical setting, explain its basic principles, and through case examples present the most frequently encountered difficulties and what the actual situation of CPE-policy in the Netherlands has to offer for applications in other professions and national policies in other countries in the world.

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Appendix

